

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No. 1:07CR00014-002
)	
v.)	OPINION
)	
JOANN MULKEY,)	By: James P. Jones
)	Chief United States District Judge
Defendant.)	

Joann Mulkey, Defendant Pro Se.

The defendant, Joann Mulkey, a federal inmate proceeding pro se, has filed a Motion to Vacate, Set Aside, or Correct Sentence, pursuant to 28 U.S.C.A. § 2255 (West 2006). Upon review of the motion and court records, I find that the § 2255 motion must be dismissed without prejudice because Mulkey has not made any statement of her claims for relief under § 2255.

Mulkey pleaded guilty to one count of possession of a firearm in furtherance of a drug trafficking offense. On December 17, 2007, I sentenced her to the mandatory minimum sentence of sixty months. In exchange for her guilty plea, the government moved for dismissal of the other charges against her. Mulkey did not appeal.

In May 2008, I denied her motion for preparation of the sentencing hearing transcript at government expense, noting that she had not made any statement to the court of the claims she intended to pursue. In June 2008, she filed a § 2255 form on which she provided information about her conviction and sentence, but stated no claims for relief. On July 1, 2008, the court issued an order granting Mulkey sixty days to amend the § 2255 motion to make a clear statement of the grounds for relief that she wished to raise. The July 1, 2008 order notified her that failure to comply with the order would result in dismissal of the § 2255 motion without prejudice and warned her that the § 2255 motion appeared to be untimely filed pursuant to § 2255(f). On July 11, 2008, Mulkey filed new motions seeking to proceed in forma pauperis and for preparation of transcripts at government expense. However, she has not complied with the court's order of July 1, 2008, or otherwise attempted to make any statement of her claims for relief under § 2255.

Based on the foregoing, I find it appropriate to dismiss without prejudice this action, because the defendant fails to present any ground for relief under § 2255. A separate Final Order will be entered herewith.

DATED: September 14, 2008

/s/ JAMES P. JONES
Chief United States District Judge